

(i) Fares for scheduled passenger service that are within a statutory or Board-established zone of fare flexibility; and

(ii) Rates for cargo service in foreign air transportation that are within the rate flexibility zones set forth in § 399.41 of this chapter, except as specifically required by the Board.

(Approved by the Office of Management and Budget under control number 3024-0038)

(Sec. 102, 72 Stat. 740 (49 U.S.C. 1302); National Environmental Policy Act of 1969 (Pub. L. 91-90, 42 U.S.C. 4321 *et seq.*) and E. O. 11514)

[ER-493, 32 FR 7453, May 19, 1967, as amended by ER-760, 37 FR 19804, Sept. 22, 1972; ER-796, 38 FR 10256, Apr. 26, 1973; ER-927, 40 FR 37183, Aug. 25, 1975; ER-1061, 43 FR 34118, Aug. 3, 1978; ER-1271, 46 FR 63218, Dec. 31, 1981; ER-1322, 48 FR 4270, Jan. 31, 1983]

§ 221.166 Explanation of missing C.A.B. numbers to accompany tariff transmittal.

Section 221.31(a) requires a carrier or agent to file tariffs under consecutive C.A.B. numbers. However, the Board may accept a tariff bearing a C.A.B. number which is not consecutive and results in an unused C.A.B. number intervening since the last previously filed tariff: *Provided*, That a letter accompanies the tariff transmittal explaining why the C.A.B. number of the tariff is not consecutive to the last previously filed tariff and stating whether or not the missing C.A.B. number will be used on a future tariff.

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[ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1271, 46 FR 63218, Dec. 31, 1981]

§ 221.167 Posting copies to be furnished participating carriers at time of filing.

At the same time that a tariff publication is transmitted to the Board for filing, the issuing carrier or agent shall send sufficient copies of the tariff publication for posting purposes to all participating carriers (see subpart N).

§ 221.168 Withdrawal or substitution of filed tariff publications prohibited.

A tariff publication filed with the Board will not be surrendered or re-

turned and no substitution thereof will be permitted.

Subpart N—Posting Tariff Publications for Public Inspection

§ 221.170 Public notice of tariff information.

Carriers must make tariff information available to the general public, and in so doing must comply with either:

(a) Sections 221.171, 221.172, 221.173, 221.174, 221.175, and 221.176 or

(b) Sections 221.175, 221.176 and 221.177 of this subpart.

[53 FR 52677, Dec. 29, 1988]

§ 221.171 Posting at stations, offices, or locations other than principal or general office.

(a) Each carrier shall post and make available for public inspection at each of its stations, offices, or other locations which is in charge of a person employed exclusively by the carrier, or by it jointly with another person, currently effective tariffs and tariff publications which have been issued but are not yet effective, to which it is a party, as follows:

(1) At stations, offices, or locations at which tickets for passenger transportation are sold, all tariff publications applicable to passenger traffic from or to the point where such station, office, or location is situated, including tariffs covering any terminal services, charges, or practices whatsoever, which apply to passenger traffic from or to such point.

(2) At stations, offices, or locations at which property is handled, received, and delivered for transportation, all tariff publications applicable to cargo traffic from or to the point where such station, office or location is situated, including tariffs covering any terminal services, charges, or practices whatsoever, which apply to cargo traffic transported from or to such point.

(b) A carrier will be deemed to have complied with the requirement that it "post" tariffs, if it maintains at each station, office, or location a file in complete form of all tariff publications required to be posted; and in the case of tariffs involving passenger fares, rules, charges or practices, notice to

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the passenger as required in §§221.174 and 221.175.

(c) Tariff publications shall be posted by each carrier party thereto no later than the issued date designated thereon except that in the case of carrier stations, offices of locations situated outside the United States, its territories and possessions, the time shall be not later than five days after the issued date, and except that a tariff publication which the Board has authorized to be filed on shorter notice shall be posted by the carrier on like notice as authorized for filing.

(Secs. 204, 403, 1002; 72 Stat. 743, 758, 788; 49 U.S.C. 1324, 1373, 1482, as amended)

[ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1104, 44 FR 9578, Feb. 13, 1979]

§ 221.172 Accessibility of tariffs to the public.

Each file of tariffs shall be kept in complete and accessible form. Employees of the carrier shall be required to give any desired information contained in such tariffs, to lend assistance to seekers of information therefrom, and to afford inquirers opportunity to examine any of such tariffs without requiring the inquirer to assign any reason for such desire.

§ 221.173 Notice of tariff posting.

Each carrier shall cause to be displayed continuously in a conspicuous public place at each station, office, or location at which tariffs are required to be posted, a notice printed in large type reading as follows:

PUBLIC INSPECTION OF TARIFFS

All the currently effective passenger (and/or cargo as applicable) tariffs to which this company is a party and all passenger (and/or cargo as applicable) tariff publications which have been issued but are not yet effective are on file in this office, so far as they apply to traffic from or to ———. (Here name the point.) These tariffs may be inspected by any person upon request and without the assignment of any reason for such inspection. The employees of this company on duty in this office will lend assistance in securing information from the tariffs.

In addition, a complete file of all tariffs of this company, with indexes thereof, is maintained and kept available for public inspection at ———. (Here indicate the place or places where complete tariff files are main-

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tained, including the street address, and where appropriate, the room number.)

[ER-439, 39 FR 9439, July 29, 1965, as amended at 53 FR 52677, Dec. 29, 1988]

§ 221.174 Notification to the passenger of status of fare, rule, charge or practice.

A carrier or ticket agent shall print, stamp upon, or affix to every purchased passenger ticket a notice stating that the terms and conditions of the contract of carriage including the price of the ticket are subject to adjustment prior to the commencement of transportation, except that such notice is not required where a passenger ticket is sold pursuant to an effective tariff rule which provides that the terms and conditions of the contract of carriage, including the price of the ticket, are not subject to any future adjustment during the validity of the ticket, or the ticket is sold for transportation commencing on the same day.

[53 FR 52677, Dec. 29, 1988]

§ 221.175 Special notice of limited liability for death or injury under the Warsaw Convention.

(a) In addition to the aforesaid requirements of this subpart, each air carrier and foreign air carrier which, to any extent, avails itself of the limitation on liability to passengers provided by the Warsaw Convention, shall, at the time of delivery of the ticket, furnish to each passenger whose transportation is governed by the Convention and whose place of departure or place of destination is in the United States, the following statement in writing:

ADVICE TO INTERNATIONAL PASSENGERS ON LIMITATIONS OF LIABILITY

Passengers embarking upon a journey involving an ultimate destination or a stop in a country other than the country of departure are advised that the provisions of a treaty known as the Warsaw Convention may be applicable to their entire journey including the portion entirely within the countries of departure and destination. The Convention governs and in most cases limits the liability of carriers to passengers for death or personal injury to approximately \$10,000.

Additional protection can usually be obtained by purchasing insurance from a private company. Such insurance is not affected by any limitation of the carrier's liability under the Warsaw Convention. For further